

CLAIMS: THE CASES OF THE "LIZZIE THOMPSON" AND THE "GEORGIANA"

Convention signed at Lima December 20, 1862

Senate advice and consent to ratification February 18, 1863

Ratified by the President of the United States February 24, 1863

Ratified by Peru April 15, 1863

Ratifications exchanged at Lima April 21, 1863

Entered into force April 21, 1863

Proclaimed by the President of the United States May 19, 1863

*Terms of agreement not fulfilled*¹

13 Stat. 635; Treaty Series 279²

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PERU

Whereas differences having arisen between the United States of America and the Republic of Peru, originating in the capture and confiscation by the latter of two ships belonging to citizens of the United States, called the "Lizzie Thompson" and "Georgiana;" and the two Governments not being able to come to an agreement upon the questions involved in said capture and confiscation, and being equally animated with the desire to maintain the relations of harmony which have always existed, and which it is desirable to preserve and strengthen between the two Governments, have agreed to refer all the questions, both of law and fact, involved in the capture and confiscation of said ships by the Government of Peru, to the decision of some friendly Power; and it being now expedient to proceed to and regulate the reference as above described, the United States of America and the Republic of Peru have for that purpose named their respective Plenipotentiaries—that is to say, the President of the United States has appointed Christopher Robinson their Envoy Extraordinary and Minister Plenipotentiary to Peru, and the President of Peru Don José Gregorio Paz Soldan, Minister of State in the office of Foreign Relations and President of the Council of Ministers, who, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following articles:

¹ When the King of Belgium refused to act as arbitrator, the United States decided not to pursue the claims further; that decision was formally communicated to the Government of Peru on July 9, 1864.

² For a detailed study of this convention, see 8 Miller 889.

ARTICLE I

The two contracting parties agree in naming as arbiter, umpire, and friendly arbitrator, his Majesty the King of Belgium, conferring upon him the most ample power to decide and determine all the questions both of law and fact involved in the proceedings of the Government of Peru in the capture and confiscation of the ships "Lizzie Thompson" and "Georgiana."

ARTICLE II

The two contracting parties will adopt the proper measures to solicit and obtain the assent of his Majesty the King of Belgium to act in the office hereby conferred upon him.

After his Majesty the King of Belgium shall have declared his assent to exercise the office of arbiter, the two contracting parties will submit, through their diplomatic agents residing at Brussels, to his Majesty copies of all the correspondence, proofs, papers, and documents which have passed between the two Governments or their respective representatives; and should either party think proper to present to said arbiter any other papers, proofs, or documents in addition to those above mentioned, the same shall be communicated to the other party within four months after the ratification of this convention.

ARTICLE III

Both parties being equally interested in having a decision upon the questions hereby submitted, they agree to deliver to the said arbiter all the documents referred to in the second article within six months after he shall have signified his consent to act as such.

ARTICLE IV

The sentence or decision of said arbiter when given shall be final and conclusive upon all the questions hereby referred, and the contracting parties hereby agree to carry the same into immediate effect.

ARTICLE V

This convention shall be ratified and the ratifications exchanged in the term of six months from the date hereof.

In faith whereof the Plenipotentiaries of the two Governments have signed and sealed, with their respective seals, the present convention.

Done in the city of Lima, in duplicate, on the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-two.

CHRISTOPHER ROBINSON [SEAL]

JOSÉ G. PAZ SOLDAN [SEAL]